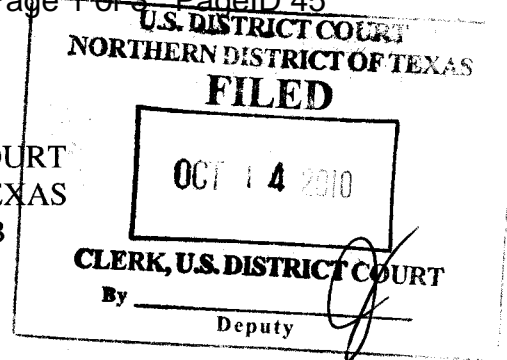


ORIGINAL



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
CIVIL ACTION NO. 3:10-cv-01702-B

VCX Ltd. Inc.,

Plaintiff,

v.

Doe 1-113.,

Defendant.

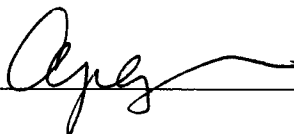
3:10 cv 1702

DOE 36'S MOTION TO QUASH SUBPOENA

1. Doe 36, hereby respectfully requests that this honorable court quash the subpoena, purportedly served upon Comcast Legal Compliance. As grounds therefore, Defendant, Doe 36 states as follows:
 - a) Internet Protocol ("IP") addresses generally are dynamic in that they often change.
 - b) Dynamic IP addresses are susceptible to intrusion by others seeking to act anonymously.
 - c) There is no proof that the IP address assigned to Doe 36 was actually being used by Doe 36.
 - d) Doe 36 contends that s/he did not use the IP address for the purpose of downloading any item illegally, including the movie alleged in the complaint.
 - e) As Doe 36's IP address was used by an unknown third-party to allegedly conduct the illegal activity without Doe 36's knowledge or consent, Doe 36 is not liable for such action.
 - f) Further, Doe 36 provided Comcast with personal and private information for purpose of receiving internet services.
 - g) Doe 36 did not provide Comcast his/her personal and private information so that they may reveal it to other parties seeking unjustified and improper legal actions against them.
 - h) Doe 36 had no knowledge that providing Comcast with such personal and private information would result in this type of usage.
 - i) The subpoena should be quashed pursuant to Fed.R.Civ.P 45 (C)(3)
2. The plaintiff alleges copyright infringement. Doe 36 has no knowledge of the alleged activity, and we have a defense to the plaintiff's claim.

3. Our defense presents questions of law and fact that are common to this action.

Date: October 13, 2010

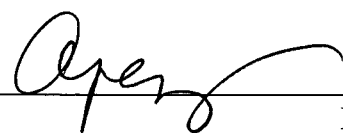


Doe 36

CERTIFICATE OF CONFERENCE

I was unable to confer with Evan Stone, attorney for Plaintiffs, as my research did not reveal this requirement until the day before my motion to quash was required to be filed.

Pursuant to the letter I received from Comcast my motion is required to be filed by October 14, 2010.



Doe 36

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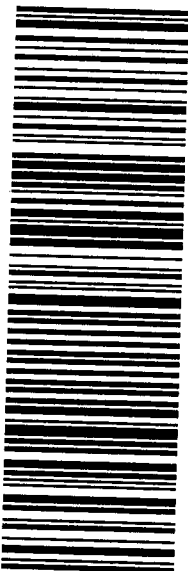
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NORTHERN DISTRICT OF TEXAS

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Company

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Rantapex State TX ZIP 02368

2 Your Internal Billing Reference

3 To Recipient's Name

Phone

Company United States District Court
Address Northern District of Texas
1100 Commerce St. Rm 1450
Dallas State TX ZIP 75242

Address 1100 Commerce St. Rm 1450
Dallas State TX ZIP 75242

City Dallas State TX ZIP 75242



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